

**EL DORADO HILLS COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR MEETING**

August 10, 2006

MINUTES

CALL TO ORDER

President Justin Masters brought the regular meeting to order on Thursday, August 10, 2006, at 7:03 p.m. Director Larry Brilliant, Director Joe Chinn, and Director David Trapani were present. Director Constance Wyatt was present via teleconference. Also present were General Manager Wayne Lowery, Executive Assistant Charlene Ambrose, and Director of Planning Dianna Hillyer. General Counsel Bob Thurbon was present. Approximately 7 members of the public were present.

ADOPTION OF AGENDA

General Manager Lowery advised that Director Wyatt is participating via teleconference and that all actions must be taken by roll call vote.

General Manager advised that the staff requests that item 14. **Approve supplemental Construction Administration Services agreement with Stantec Consulting, Inc. in the amount of \$35,000.** be continued to the next meeting.

Motion No. 1. Director Chinn moved and Director Brilliant seconded the motion to adopt the agenda with item 14. continued. Roll call vote: Chinn Aye, Brilliant Aye, Wyatt Aye, Trapani Aye, Masters Aye. Motion carried 5-0-0. (Wyatt via teleconference).

PRESENTATIONS & ANNOUNCEMENTS

- 1. Ray Boike, Director of Facilities, Buckeye Union School District, presentation of BUSD's ballot initiative for improved school fields.**

Mr. Boike made a presentation that highlighted Buckeye School District's November 2006 Bond Initiative, Measure "K" for "Kids". The \$28.9 million dollar bond, plus \$9 million in matching funds, will be used to update school facilities including sports fields and multipurpose buildings the CSD has joint use with. He offered to answer any questions and stated that BUSD is looking for support of the initiative. Lowery let the board know if they desire they may direct staff to put a resolution to support the ballot initiative on a future agenda.

- 2. Phil Bristol, Bristol and Associates, update on development of District's FY 2006-07 Strategic Plan.**

Lowery gave a presentation on the progress of the Strategic Plan development project to date. Tuesday, August 22, 2006 will be a formal Strategy Presentation.

Mr. Bristol provided a recap on the events of the strategic planning process and offered to answer any questions.

The Board comments were:

1. President Masters asked what element of participation the board would have in the process. He asked whether the August 22 meeting would be an interactive workshop or a presentation. It will be a dialogue between the staff, board and members of the public. He also asked whether a project chart would be available to the community, as this would reflect positively on the staff.
2. Director Chinn remarked that this has been a very good process to date and that he looks forward to August 22nd.
3. Director Trapani stated that lots of meetings and many hours have been put into this process. He also looks forward to August 22nd.

Public comment:

1. Fred St. Jean asked if this document was an internal staff document. He questioned page 17 paving of New York Creek trail.

President Masters clarified that the strategic planning process has been ongoing and allows for Board and public input. Director Brilliant clarified only Harvard Way area of the trail is being paved.

Lowery relayed that additionally on August 17, 2006 at 6:00 pm a workshop will be taking place on the Master Plan.

COMMUNITY COMMENT

1. Fred St. Jean questioned item **7) Approve revisions to Conflict of Interest Policy Number 3010**; asking about General Manager acting as union representative in closed sessions

GM Lowery clarified that he sits across from the staff in union negotiations and that he represents the board not the staff in union negotiations.

REVIEW OF WRITTEN COMMUNICATIONS

3. **Jose Henriquez, Executive Officer, El Dorado Local Agency Formation Commission, letter dated July 24, 2006: Election of Robert Larson as LAFCo Alternate Special District Representative.**

COMMUNITY SERVICES DISTRICT CALENDAR

4. August - September 2006 Calendar of District Events and Activities.

Lowery stated that Saturday in the Park held August 5, 2006 was the best one to date. Pool hours will be shortened with school back in session.

CONSENT CALENDAR

Lowery reminded the Board that item 14 was going to be continued.

Director Chinn pulled item 9 and Director Trapani pulled item 15 a. and stated he would like to abstain. Director Brilliant pulled item 13 from the consent calendar. President Masters pulled item 7 due to public comment.

Motion No. 2. Director Chinn moved and Director Trapani seconded the motion to approve Consent Calendar Items 5) 6) 8) 10) 11) 12) and 15 b.) remaining:

5) Approve the minutes of July 13, and July 26, 2006 meetings; 6) Ratify Cash Disbursements through July 31, 2006; 8) Approve Resolution No. 2006-27 District Volunteers Eligible for Workers' Compensation Benefits; 10) Approve board member attendance at the California and Pacific Southwest Park and Recreation Conference March 8-10, 2007; 11) Board's CC&R Committee (Brilliant/Masters) and Design Review Committee recommending approval of CC&R variance request for the Myers new home construction project located at 1438 Jackson Court, Oak Tree Village; 12) Approve and authorize General Manager to execute a contract with Foothill Associates to prepare conceptual park designs for four parks in the Valley View Specific Plan area, in an amount not to exceed \$32,395; 15) CC&R Citizen Advisory Committee recommending board approve third and final notice for non compliance for b. Mike Stevens and John Hogan Jr., 3500 Mesa Verde, for failure to maintain property.

With item 14 continued and items 7, 9, 13 and 15 a. pulled, Motion carried to approve Consent Calendar items. Roll Call Vote was: Trapani Aye, Wyatt Aye, Chinn Aye, Brilliant Aye, Masters Aye. Motion carried 5-0-0. (Wyatt via teleconference).

GENERAL BUSINESS

16. Review items pulled from Consent Calendar for action.

7) Approve revisions to Conflict of Interest Policy Number 3010.

General Counsel Bob Thurbon clarified that the General Manager is not the union's representative. The two of them go to union negotiation meetings. Union representatives do not

go to the board meetings or to closed sessions. It should be noted that union negotiations is not the point of this policy, as it is regarding reporting interests in real property.

Motion No. 3. Director Brilliant moved and Director Chinn seconded the motion to approve revisions to Conflict of Interest Policy Number 3010. Roll Call Vote: Wyatt Aye, Brilliant Aye, Chinn Aye, Trapani Aye, Masters Aye. Motion carried 5-0-0. (Wyatt via teleconference).

9) Approve upcoming board member meetings and/or reports of board committees.

Director Chinn pulled this item as Land Acquisition meeting is not listed. Director Brilliant also noted Utility Committee is meeting and Administration and Finance date was changed. Staff was directed to schedule the meetings and/or make date change notations accordingly. Public comment was invited, there was none.

Motion No. 4. Director Trapani moved and Director Chinn seconded the motion to approve upcoming board member meetings and/or reports of board committees. Roll Call Vote: Chinn Aye, Brilliant Aye, Masters Aye, Trapani Aye, Wyatt Aye. Motion carried 5-0-0. (Wyatt via teleconference).

13) Approve Naturally Occurring Asbestos Ambient Air Sampling Proposal construction project by Network Environmental Systems, Inc. (NES), Tasks 2 and 4, dated July 27, 2006 for the Harvard Way Bike/Pedestrian Path in the amount of \$43,775.

Director Brilliant stated concern over several items this year being brought before the board regarding NES testing for NOA. His concern is now that this is ongoing he would like to see a competitive bid process on NOA projects.

Lowery recommends approval of this item and stated he will approach NES.

Motion No. 5. President Masters made a motion to Approve Naturally Occurring Asbestos Ambient Air Sampling Proposal construction project by Network Environmental Systems, Inc. (NES), Tasks 2 and 4, dated July 27, 2006 for the Harvard Way Bike/Pedestrian Path at a cost not to exceed \$43,775, with direction from the board to staff to negotiate a lower price and direct staff to have a request for proposal at some length of time for future work. Director Trapani seconded the motion. Roll call vote: Brilliant Aye, Masters Aye, Trapani Aye, Wyatt Aye, Chinn Aye. Motion carried 5-0-0. (Wyatt via teleconference).

15) CC&R Citizen Advisory Committee recommending board approve third and final notice for non compliance for

a. Allen and Linda Dutra, 4044 Brittany Court, for failure to submit landscaping plans for the front yard to Design Review for approval.

Director Trapani will abstain from this item because he is their neighbor and is also on another board with Mr. Dutra.

The item was opened for public comment; hearing none the public comment was closed.

Motion No. 6. Director Chinn moved and Director Brilliant seconded the motion to authorize staff send third and final notice for non-compliance to Allen and Linda Dutra, 4044 Brittany Court, for failure to submit landscaping plans for the front yard to Design Review for approval. Roll Call Vote: Masters Aye, Trapani Abstain, Wyatt Aye, Brilliant Aye. Motion carried 4-1-0. (Trapani abstain, Wyatt via teleconference).

17. PUBLIC HEARING: Board of Directors to hold public hearing to receive public comment, discuss and act upon a proposal from Waste Connections, Inc. to increase rates for residential and commercial refuse collection and recycling services in El Dorado Hills CSD Franchise area, to become effective on September 1, 2006.

Lowery overviewed the agenda item and turned the floor over to Ms. Hillyer. Hillyer stated formerly Waste Management, Waste Connections now holds the existing contract and it has been over 4 years since there has been a rate increase. With increased fuel costs and CPI, this should be considered reasonable. The public notice has been published in accordance with law in the Mountain Democrat, on the EDHCSD website as well as in the Village Life.

Hillyer introduced Sue Farris, District Manager of Waste Connections. Ms. Farris stated that four new vehicles began operation last week exclusively for El Dorado Hills trash pickup service. These automated vehicles support the cart system. She will be responsible for ongoing education of El Dorado Hills residents on the cart system, which is being encouraged rather than bags for overflow. An additional cart is available in addition to the three carts already in service at no charge to be available for either green waste or recycle.

Board comments:

President Masters asked whether the drivers are leaving notes to customer using bags advising them that the free extra cart is available. Ms. Farris stated this is now in process and a fifth cart is also available at a \$7.00 per month rental fee.

Director Trapani asked if different size carts were available. Ms. Farris stated yes they were.

Director Chinn asked whether overflows were addressed.

Director Brilliant wants to see gross profit margin percentage and profit history.

Ron Mittelstaedt, Chairman and CEO approached the podium to assist Ms. Farris in the question and answer session. He stated the company is public and that information can be viewed from the website.

Director Trapani stated the trash service has been franchised for four years five months without a price increase. He stated the current contract written preceded this board; Mr. Mittelstaedt agreed it was also the case for their new management. He relayed that this proposal from Waste Connections, Inc. is a 3.7% CPI increase plus a fuel surcharge. Director Trapani would like to speak with legal counsel and review the contract. He stated he is sympathetic to Waste Connections, Inc. and that this needs resolution.

It was decided by the board to bring this agenda item to the Waste Management Committee (Masters/Wyatt) to develop an action plan.

President Masters opened the public hearing. Public comment was invited and was as follows:

1. L. G. Lloyd, Park Village, the public notice was too small, hard to find in the newspapers he reads, why not advertise in some other local paper such as Village Life and/or Telegraph as a news item besides the Legal Noticing requirements. Do this for any other item for that matter which benefits the community.
2. Norb Blaskowski, asked Ms. Farris how many drivers they have lost. He had an issue with his trash can which was taken off line.

President Masters stated that Ms. Hillyer addressed the hearing notice requirements legally and appropriately. Director Brilliant emphasized that the District did more than is legally required with respect to noticing.

Lowery deferred to legal counsel as to the Public Hearing requirements. Mr. Thurbon stated three alternatives:

1. continue public hearing to date certain
2. comply a re-notice of another public hearing
3. close public hearing (completed tonight) and public comments may be taken at the next meeting to address this issue.

President Masters closed the public hearing. He requested that a special meeting of the Board be called prior to August 30, 2006.

18. Review board member meeting attendance for Fiscal Year 2005-06.

Lowery reviewed the item and stated this requires no action. General Counsel clarified the laws governing board member attendance. He also clarified teleconferencing requirements at this time.

19. Approve proposal from Lasher Dodge/Coalinga Chevy in the amount of \$34,087 for the purchase and replacement of two Parks Department trucks.

Motion No. 7. Director Brilliant moved and Director Trapani seconded the motion to approve proposal from Lasher Dodge/Coalinga Chevy in the amount of \$34,087 for the purchase and replacement of two Parks

Department trucks. Roll call vote: Trapani Aye, Wyatt Aye, Chinn Aye, Brilliant Aye, Masters Aye. Motion carried 5-0-0. (Wyatt via teleconference)

GENERAL MANAGER REPORTS

None

BOARD OF DIRECTORS COMMENTS & FUTURE AGENDA ITEMS

President Masters:

1. Email comments on Waste Connections to him.
2. Thanks to the District staff for Saturday in the Park.
3. Thanks to the staff for their efforts on the Strategic Planning process.

CLOSED SESSION

The Board went into closed session at approximately 10:00 pm.

President Masters asked if there were public comments on closed session items. No public comment. Masters closed the public session and entered closed session.

- 20. Closed session under California Government Code**
 - a. §54956.8, conference with real estate negotiator prior to the purchase, sale, exchange or lease of real property in Blackstone Subdivision, Valley View Specific Plan Area, El Dorado Hills owned by Lennar Communities. Discussion includes but is not limited to proposed park sites within tentative map TM 99-1359R. [Blackstone Agreement]**
 - b. §54956.8, conference with real estate negotiator prior to the purchase, sale, exchange or lease of real property in Village J Subdivision, El Dorado Hills (Serrano) Specific Plan Area, El Dorado Hills owned by Serrano Associates LLC. Discussion includes but is not limited to proposed park site in Village J.**
 - c. §54956.8, conference with real estate negotiator prior to the purchase, sale, exchange or lease of real property in Ridgeview Village on the southwest corner of Gillette and Ridgeview drives.**
 - d. §54956.9, conference with legal counsel regarding pending litigation in the case of El Dorado Hills Community Services District v. Bianchi.**
 - e. §54957.6(a), conference with labor negotiator regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of its employees represented by the El Dorado Hills Community Services District Employees Association Local No. 1 and all unrepresented employees.**

President Masters re-opened the Regular Meeting and reported that general direction was given to staff regarding items 20a, 20b and 20c. The board approved proceeding with litigation on item 20d and referred item 20e to the Administration and Finance Committee (Brilliant/Chinn).

ADJOURNMENT

President Masters adjourned the meeting at approximately 11:30 pm.

APPROVED: _____ **DATE:** _____
Justin Masters, President
EDHCSD Board of Directors

ATTEST: _____ **DATE:** _____
Wayne A. Lowery, General Manager
Secretary to the Board of Directors